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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/016,101

10/31/2001

Michele R. Duphily

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08/02/2006

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EXAMINER

ADE, OGER GARCIA

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 08/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/016,101

Applicant(s)

DUPHILY, MICHELE R.

Examiner

Garcia Ade

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3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,23-30,36 and 39-48 is/are pending in the application.
- 4a) Of the above claim(s) 41-48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,23-30,36,39 and 40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 41-48 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The Amendment filed on May 29th, 2006 under 37 CFR 1.131 has been considered, but is ineffective to overcome the Davis reference. Applicants amended claims 1, 2, 23 - 25, 30, and 36, added new claims 41 - 48, and cancelled claims 31 - 35.
2. The Examiner withdraws the abstract objection.

Election/Restrictions

3. Newly submitted claims 41 - 48 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The limitations in claim 41 in combination with the other limitations of claims 42 - 48 are directed to an invention that is patentably distinct from the combination of elements originally claimed in claims 1 - 3, 23 - 30, and 36.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 41 - 48 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having

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ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 24 – 30, and 36 – 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis [US 6,105,008], and further in view of Baser et al. [US 6,105,008].

As per claims 1, 2, 24 – 28, 30, and 39, Davis discloses a method of purchasing goods and services through the internet comprising: accessing an internet web portal [see first paragraph of the summary (e.g. **open network such as the Internet**)] comprising a portal operator [see figure 4 E.g. block 204, client terminal)] and a database [see figure 4 (e.g. **Database 223** stores all suitable information passing through payment server 206 for each transaction)] of prepaid accounts and further containing a listing of merchandise or services that can be purchased by communication through the internet [see second paragraph of the summary (merchant from whom the consumer **purchases goods or services**)]; accessing a merchant website through the internet portal [see column 5, lines 40 – 55 (e.g. consumer may wish to access any of **a variety of Web servers**)], and see flowchart of figure 10 (e.g. block 504)]; inputting a selection of the merchandise or services for purchase [see flowchart of figure 10 (e.g. block 508), and see column 11, lines 5 – 16], and a prepaid card identifier [see figure 5, **stored-value card**] wherein the card identifier comprises an account number to a prepaid account and the card identifier does not identify the purchaser or financial or banking information of the purchaser [via **host security module 864**, see column 26, lines 28 – 45]; transmitting the selection and prepaid card identifier [see column 17, lines 40 – 53 (e.g. security card is transmitted to the client terminal)]; matching

the prepaid card identifier with a prepaid account by the portal operator [see column 21, lines 52 – 56, and see figure 6 (e.g. block 346)]; verifying by the portal operator that the prepaid account represented by the prepaid card contains a monetary balance at least equal to the value of the merchandise or services selected [see column 7, lines 24 – 38, and lines 41 - 51]; and transferring the monetary value of the selected merchandise or services from the prepaid account to a merchant by the portal operator [see abstract, and column 25, lines 56 - 67].

Davis discloses an open network such as the Internet [see above], but Davis does not explicitly disclose a web portal. However, Baser discloses: accessing an Internet web portal [see abstract (e.g. **virtual Payment Portal**), and paragraph 0012].

Therefore, it would have been obvious to one of ordinary art at the time of the invention was made to modify Davis' invention to include Baser's web portal. The motivation to combine will provide a suite of applications in support of electronic commerce through web service platforms on the Internet or other points of sale, including intranet and extranet environments [see paragraph 0009].

As per claim 29, Davis discloses an Internet website communicating a purchase selection to the merchant website [column 8, lines 10 – 16, via client terminal 204], and communicating payment to the merchant [via client terminal 204, and payment server 206, column 7, lines 4 – 14, and column 8, lines 32 and 33].

As per claim 36, Davis discloses an Internet portal operator matching prepaid account to card identifiers [column 21, lines 54 – 56]; debiting prepaid

accounts [via step 514, column 10, lines 64 – 67, and column 11, lines 20 - 22];
and crediting merchant account [column 10, lines 64 – 67].

As per claim 37, Davis discloses terminals connectable to the Internet [as illustrated in figure 4 (e.g. block 204 and block 212)].

As per claim 38, Davis discloses publicly accessible terminals [column 2, lines 1 – 9, and column 12, lines 26 – 42 (e.g. public key transaction)].

As per claim 39, Davis discloses the Internet portal operator sells prepaid accounts [see figure 4 for issuing stored-value cards].

As per claim 40, Davis discloses the terminals access only Internet web sites selected by the Internet portal operator [as illustrated in figure 17, via system 850 and client terminal 204].

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis, in view of Baser, and further in view of Hogan [US 5,699,528].

As per claim 3, the combination of Davis and Baser discloses all elements per claimed invention as explain above. The combination does not explicitly disclose the ability of the purchaser to pay a purchase price in installments.

However, Hogan does disclose the ability of the purchaser to pay a purchase price in installments [column 6, lines 55 – 64 (e.g. installment account), as illustrated in figure 2B (e.g. block 355 partial payment)].

Therefore, it would have been obvious to one of ordinary art at the time of the invention was made to modify the combination of Davis and Baser to include Hogan's payment option or partial payment. The combination will ensure settlement

of funds between the user's account and the appropriate payees [column 2, lines 55 and 56].

Response to Arguments

7. Applicant's arguments filed May 29th, 2006 have been fully considered but they are not persuasive. Applicant's argument will be addressed herein below in the order in which they appear in the response 05/29/2006.

A) Applicant argues that Davis does not disclose accessing a web portal. However, Davis discloses a user or consumer operating client terminal that accesses a web server for interacting with a stored-valued card and for communicating over a network to a payment server or a merchant server. Also, Baser discloses in more details a virtual Payment Portal for receiving a request for a service from an end user through a business application, forming part of an internet web page [see abstract]. The combination of Davis with Baser addresses the web portal.

B) Applicant also argues that Davis does not disclose a portal comprising of a portal operator and a database of prepaid accounts. The Examiner respectfully disagrees. The Examiner interprets portal operator as a web server. However, Davis discloses a generic web server **208** customized for the merchant's business, which includes databases, CGI scripts and back-office programs that produce HTML pages for an Internet user [see column 10, lines 6 – 16]. Furthermore, Davis discloses a **database 223** that stores all suitable information passing through payment server 206 for each transaction. **Database 223** allows any number of merchants to use the payment server for transactions [see column 7, lines 14 – 23].

C) Applicant argues that Davis does not disclose the step of a card identifier being transmitted to a web portal wherein a portal operator matches the card identifier with a prepaid account, verifies the account balance is adequate for purchase of goods or services from the merchant, and transfers the funds from the prepaid account to the merchant. The Examiner respectfully disagrees. Davis discloses a stored-value card that typically includes information such as a bank **identifier number**. However, Davis describes a stored-value card identifier from the security card is transmitted to the client terminal where a trusted agent performs the **comparison** of the expected stored-value card with a prepaid account [see column 17, lines 40 – 52]. Davis also describes a non-volatile **memory 18** that serves to store information that must not be lost when the card is disconnected from a power source, but that must also be alterable to accommodate data specific to individual cards. This information might include a card identification number, a personal identification number, authorization levels, **cash balances, credit limits**, and etc. Davis further discloses in **step 608**, a client module of the client terminal that interacts with the card to obtain card information such as: the total cost of the ordered merchandise, **the card balance to ensure that the value on the card is great enough to cover the transaction** [see column 12, lines 26 – 42].

D) Applicant further argues that Davis does not disclose the step of accessing a merchant site through a web portal contacting a database of prepaid accounts represented by an account identifiers independent of user identity or bank information and wherein the merchant is able to achieve confirmation that the prepaid account controlled through the web portal by the account identifier will be

debited in payment of purchased goods or services. The Examiner respectfully disagrees. Davis, as modified by baser, discloses the step of accessing a merchant site through a web portal contacting a database of prepaid accounts represented by an account identifiers independent of user identity [see above]. Davis discloses in **step 516** that the user receives a confirmation message from the merchant server indicating that the transaction has been completed [see column 11, lines 22 – 26]. Davis further describes a message flow throughout the architecture, for example: the terminology used herein to describe the sequential messages draw request, **debit**, success, and **confirmation**, may also be referred to by the respective terminology: draw request, **debit IEP**, **debit response**, and **debit result** (or message result) [see column 11, lines 53 – 60].

E) Applicant argues that Davis does not disclose the limitations of claims 26 and 27. The Examiner respectfully disagrees. Davis discloses in **step 504** that a user can access a merchant server web site via **communication link 234** over the Internet. This access of a web site may be performed in any suitable fashion such as by using any commercially available web browser. Further, Davis describes in **step 508** that a user can browse a merchant web site and selects goods and/or services for purchase from the merchant using the **web site interface** that the merchant has provided [see column 11, lines 4 – 15]. Furthermore, Davis discloses a **service payment terminal 50** that allows a customer to use a stored-value card for the payment of goods and/or services, generates a payment result from a transaction, and bundles individual payment results into a collection for transfer to a **clearing and administration system**, which then transfers funds that had been

debited from a customer's stored-value card to the merchant whose goods and/or services had been purchased from the terminal [see column 2, lines 62 – 67].

Therefore, Applicant's are deemed nonpersuasive.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Garcia Ade whose telephone number is 571.272.5586. The examiner can normally be reached on M-F 8:30AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571.272.6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Garcia Ade
Examiner
Art Unit 3627

ga

A handwritten signature in black ink, reading "Andrew Joseph Rudy". The signature is fluid and cursive, with the first name "Andrew" being the most prominent.

Primary Examiner, AU 3627